HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.12979 OF 1997

Dated 10-04-2007

Between:

1. Syed. Mohmmed Nawaz Jaffry, son of Syd.Hasan Jaffy, aged 23 years, resident of H.No.22-7-527, Meeralam Mandi, Hyderabad-2 and others.

..Petitioners.

And:

1. Andhra Pradesh State Road Transport Corporation, Hyderabad, represented by its Managing Director and another.

…Respondents.

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondent in not considering the case of the petitioners for appointment to the post of Deputy Superintendent (Traffic) or Controller as arbitrary and illegal and consequently to direct the respondents to consider the case of the petitioners to the post of Deputy Superintendent (Traffic) or Controller forthwith and to grant all consequential benefits.

The facts are not in dispute.

It is suffice to notice that all the petitioners were appointed as Traffic Assistants in view of the fact that they were all sports persons in their respective fields and after completion of three years of service as Traffic Assistants, they were absorbed into the suitable posts by the A.P.S.R.T.C. as per their own qualifications

and eligibility.

The complaint of the petitioners is that they are entitled for being appointed to the post of Deputy Superintendent (Traffic) Controller in the A.P.S.R.T.C. since they all represent the State and National Level Sports. In fact, the case of one Sudheer was considered under Sports quota and he was appointed as Deputy Superintendent (Traffic).

A detailed counter-affidavit has been filed by the respondent denying the allegations made by the petitioners. It is stated in the Counter-affidavit that as per the ARTSCO Scheme, at the end of three years period, the persons who are appointed as Traffic Assistants would be offered suitable jobs in the Corporation depending upon their capacity, merit and qualifications. Certain persons were appointed on regular basis in different categories like T.I.Grade-II, T.I.Grade-III, Controllers/Junior Assistants, Deputy Superintendent (Traffic) based on their educational qualifications and sports achievements in their respective disciplines. All the players are not having the same performance and qualifications. P. Sudheer has been playing in the A.P.S.R.T.C. Team regularly and in many tournaments for A.P.S.R.T.C. representing many towns and during the tournaments, his performance was good. It is further stated in the counter-affidavit that the said Sudheer was a graduate in arts and therefore, he was offered the post of Deputy Superintendent (Traffic). The petitioners did not reach the level of those sportsman who were given regular appointments as controllers etc., as such they are proposed to be considered for the post of conductor. No discrimination was shown among the players. All were treated equally. The petitioners cannot compare themselves with the sports persons mentioned in annexure B. who

stand on a different footing.

Learned counsel for the petitioners stated that the sports persons form themselves into a class and there cannot be any discrimination among these sports persons who are appointed as Traffic Assistants and when they were absorbed in regular vacancies, they would be appointed as Deputy Superintendent (Traffic) or Controller. Whereas the petitioners have been offered with mainly job of Sainik etc., However, during the pendency of the writ petition, the petitioners were appointed to various posts like Booking Clerks, Sainik, Junior Assistants and typists etc.,

The petitioners have no legal right whatsoever. The respondents seem to have considered the cases of the petitioners as per their merit in the sports as well as in Educational Qualifications held by them. Therefore, it cannot be said that the respondents have committed any illegality in not appointing all the petitioners as Deputy Superintendent (Traffic) or Controller on par with Sudheer and others. Admittedly, the petitioners have passed only 10th Class. Therefore, they cannot have any grievance for appointing them to the respective posts. They are not entitled for being appointed as Deputy Superintendent (Traffic) or Controller as a matter of right. Hence, the writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

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Justice C.VRAMULU

Dated 10-04-2007.

Dvs

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